

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23691-2023 (O&M)
Date of Decision: 06.07.2023

Ishak Khan

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ashish Grewal, Advocate, for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

Mr. Sandeep Saini, Advocate, for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.111 dated 01.05.2022, under Sections 148, 149, 323, 324, 307, 452, 506 and 120-B IPC, registered at Police Station Sadhaura, District Yamuna Nagar, Haryana.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody from 02.05.2022 which is more than one year. He submitted that it is a case where even as per the prosecution, the only role which was attributable to the petitioner was that on his phone call, the complainant was called on a particular place where number of boys came and caused injuries to the complainant. He submitted that there is no injury attributable to the petitioner and even otherwise also the petitioner is having clean antecedents and is not involved in any other case. He further submitted that the other co-

accused namely, Gursewak @ Sebi, Manjinder Singh @ Jinda and Bhim Panjetha have been granted regular bail by a Co-ordinate bench of this Court vide Annexure P-2, P-3 and P-4. He submitted that the complainant has intentionally not deposed before the trial Court despite number of summons issued to him and even warrants have been issued against the complainant but he did not choose to appear before the Court with the result that the trial of the case has been delayed and therefore has prayed for the grant of regular bail.

3. On the other hand, Mr. Vishal Kashyap, DAG, Haryana has submitted that it is correct that the petitioner is in custody from 02.05.2022 and he is not involved in any other case. So far as the role attributable to the petitioner is concerned, he submitted that as per FIR, he had called the complainant at a particular place where other co-accused came and caused injuries to the complainant

4. I have heard the learned counsel for the parties.

5. It is a case where the petitioner has already faced incarceration for 1 year and 2 months. The petitioner is stated to be not involved in any other case and as per the learned counsel for the petitioner, the complainant is not appearing before the learned trial Court despite repeated summons and warrants being issued against him. The petitioner is also stated to be at parity with the other co-accused namely, Gursewak @ Sebi, Manjinder Singh @ Jinda and Bhim Panjetha who have been granted regular bail by a Co-ordinate bench of this Court vide Annexure P-2, P-3 and P-4. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the

satisfaction of the learned trial Court/Duty Magistrate concerned

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

06.07.2023

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No